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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,780	08/14/2001	Koichi Kawana	450100-03413	9015

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EXAMINER	
WILDER, PETER C	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/929,780	KAWANA ET AL.	
	Examiner	Art Unit	
	Peter C. Wilder	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 December 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 August 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claims 1 and 9 have been amended.

Claims 2-8 are original.

Claims 10-16 are original.

Response to Arguments

Applicant's arguments with respect to claims 1 and 9 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claim 5 and 13 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claims 5 and 13 should probably be with drawn because its contents are incorporated into claims 1 and 9 respectively.

Claim Rejections - 35 USC § 103

The following are the new rejections to claims 1 and 9, with the rest of the original claims rejections being the same as in the first non-final office action sent out 9/9/2005.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 8-13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee in view of Herrod et al. (U.S. 6405049 B2) further in view of Pope (U.S. 5963624).

Referring to claim 1, Darbee teaches program management means for managing a database that stores program information for broadcast programs (Column 12 lines 48 – 51 teaches setting up the users preferences, and in Column 1 lines 29-31 teaches the programming guide running on a set top box);

transmission means for transmitting the program information stored in the database to an electronic apparatus using wireless communication (Column 8 lines 57-67 and Column 9 lines 1-13);

control means for controlling, under the control of said electronic apparatus, an apparatus having functions of recording and playing broadcast programs (Column 11 lines 5 – 11 describes the playing of the program, Column 10 lines 24-29 teaches sending the selection history, which is recorded by the remote, to the set-top-box. In order to relay the history data from the set-top box to the host system the set-top box must store the history data in a memory/register in order to prepare the data for transmission to the host system.),

but fails to teach switching means for switching a wireless communication unit between communication using a public circuit based on a spread spectrum communication system and short-distance wireless communication based on the spread spectrum communication systems.

Herrod teaches switching means for switching a wireless communication unit between communication using a public circuit and short-distance wireless communication (Column 16 lines 20-30 and Column 39 lines 66-67 and Column 40 lines 1-5), but fails teach using spread spectrum communication.

At the time the invention was made it would have been obvious for one skilled in the art to modify the wireless remote function/device of Darbee with the wireless switching between private and public networks function/device Herrod for the purpose of providing guaranteed communications no matter where the device is located in relation to the terminal (Column 16 lines 26-30, Herrod)

Pop teaches using spread spectrum in wireless communication (Column 2 lines 52 – 57 teaches using spread spectrum communication to control appliances)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the wireless remote function/device of Darbee using the spread spectrum communication function/device of Pope for the purpose of being able to communicate from a different room and or a significant distance away from the base unit 12 (Column 3 lines 24-28).

Referring to claim 2, corresponding to claim 1, Darbee teaches a said electronic apparatus comprises a portable terminal (Figure 1 shows a portable terminal, Column 6 lines 49-61).

Referring to claim 3, corresponding to claim 2, Darbee teaches wherein said portable terminal comprises a private apparatus (Column 1 lines 17 – 20, the examiner relates private terminal to a home entertainment system in a persons private home that allows only people in the private home or on the private property to operate the system).

Referring to claim 4, corresponding to claim 1, Darbee teaches an apparatus having functions of recording and playing broadcast programs comprises an audio apparatus or a video apparatus (Column 10 lines 24-29 describes a set top box receiving the data as taught in claim 1, Column 1 lines 29-33 teaches the set-top box being used along with a television to display video).

Referring to claim 5, corresponding to claim 1, Pope teaches wherein the wireless communication is based on a spread spectrum communication system (Column 2 lines 52 – 57 teaches using spread spectrum communication to control appliances).

Referring to claim 8, corresponding to claim 6, Darbee teaches wherein the short-distance wireless communication is based on an infrared data communication system (Column 7 lines 18-21 Figure 3a elements 34 and 35 show the schematic diagram of the IR circuitry).

Referring to claim 9, Darbee teaches transmission means for transmitting program information stored in a database that stores the program information for broadcast programs (Column 1 lines 29-33 teaches a set-top box running a EPG) to an electronic apparatus using wireless communication (Column 7 lines 18-21 teaches a RF and IR transmission are provided, Column 6 lines 62-64 teaches communication between the remote control and the set-top box);

display means for displaying the program information obtained using said transmission means(Column 6 lines 53-54 teaches an LCD element 14 in figure 1; Column 9 lines 16-20 teaches using the IR link to send program data to the remote control element 10 in figure 1, Column 5 lines 14-21);

command transmission means for transmitting a command that controls an apparatus (Column 11 lines 5 – 11 describes the playing of the program) having functions of recording and playing broadcast programs to a server that controls recording and playing performed by the apparatus (Column 10 lines 24-29 teaches sending the selection history which is recorded by the remote to the set-top-box. In order to relay the history data from the set-top box to the host system the set-top box must store the history data in a memory/register in order to prepare the data for transmission to the host system; Column 10 lines 32-38 teaches the server tailoring programming for the set-top box so it controls what can be played or recorded by the set-top box),

but fails to teach switching means for switching a wireless communication unit between communication using a public circuit based on a spread spectrum communication system and short-distance wireless communication based on the spread spectrum communication systems.

Herrod teaches switching means for switching a wireless communication unit between communication using a public circuit and short-distance wireless communication (Column 16 lines 20-30 and Column 39 lines 66-67 and Column 40 lines 1-5), but fails teach using spread spectrum communication.

At the time the invention was made it would have been obvious for one skilled in the art to modify the wireless remote function/device of Darbee with the wireless switching between private and public networks function/device Herrod for the purpose of

providing guaranteed communications no matter where the device is located in relation to the terminal (Column 16 lines 26-30, Herrod)

Pop teaches using spread spectrum in wireless communication (Column 2 lines 52 – 57 teaches using spread spectrum communication to control appliances)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the wireless remote function/device of Darbee using the spread spectrum communication function/device of Pope for the purpose of being able to communicate from a different room and or a significant distance away from the base unit 12 (Column 3 lines 24-28).

Referring to claim 10, corresponding to claim 9, see the rejection of claim 2.

Referring to claim 11, corresponding to claim 10, see the rejection of claim 3.

Referring to claim 12, corresponding to claim 9, see the rejection of claim 4.

Referring to claim 13, corresponding to claim 9, see the rejection of claim 5.

Referring to claim 16, corresponding to claim 14, see the rejection of claim 8.

Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee (U.S. 6130726 B1) in view of Herrod et al. (U.S. 6405049 B2) further in view of Pope (U.S. 5963624) still further in view of Gaucher (U.S. 6175860 B1).

Referring to claim 6 Darbee, Herrod, and Pope teaches all the limitations of claim 1, but fails to teach said electronic apparatus is switched between communication using a public circuit and short-distance wireless communication.

Gaucher teaches wherein the wireless communication with said electronic apparatus is switched between communication using a public circuit (Column 6 lines 25 – 47 teaches using the telephone lines from a remote location to connect to devices to instruct operations of the device, such as activating the oven; Column 7 lines 13-19 teaches a VCR being able to be programmed by the network; Column 6 line 38 teaches a cellular phone so the device is portable) and short-distance wireless communication (Column 6 lines 43-44 teaches connecting to RF field 15 if it is within the confines of the field according to Figure 3, and Column 6 lines 8-15 teaches the field being around the home, Column 3 lines 32-36).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the wireless remote function/device of Darbee with the wireless switching between private and public networks function/device Herrod with the spread spectrum communication function/device of Pope with the public and private

network function/device of Gaucher for the purpose of being able to program the VCR from the office/work to record a show.

Referring to claim 14, see the rejection of claim 6.

Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee (U.S. 6130726 B1) in view of Herrod et al. (U.S. 6405049 B2) further in view of Pope (U.S. 5963624) still further in view of Gaucher (U.S. 6175860 B1) still further in view of Clapper (U.S. 6130726 B1).

Referring to claim 7, Darbee, Harrod, Pope and Gaucher teach all the limitations in claim 6, except for wherein the short-distance wireless communication is based on the Bluetooth system.

Clapper teaches wherein the short-distance wireless communication is based on the Bluetooth system (Column 2 lines 24-26).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the wireless remote function/device of Darbee with the wireless switching between private and public networks function/device Herrod with the spread spectrum communication function/device of Pope with the public and private network function/device of Gaucher, further using the Bluetooth protocol function/device of Clapper for the purpose of transmitting a control signal between the remote control and the set-top box.

Referring to claim 15, see the rejection of claim 7.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. Wilder whose telephone number is 571-272-2826. The examiner can normally be reached on 8 AM - 4PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JOHN MILLER
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